



City of Seattle

Gregory J. Nickels, Mayor
Department of Design, Construction and Land Use
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2206560
Applicant Name: Tom Leren for Bryan W. Johnson
Address of Proposal: 6557 25th Avenue NW

SUMMARY OF PROPOSED ACTION

Master Use Permit for future construction of a two-story, single family residence and a detached garage.

The following approvals are required:

Variance to allow construction of a structure in a required side yard on a reverse corner lot. (Requests a five foot setback). SMC Chapter 23.44.014C

Variance to allow an accessory structure in that portion of the rear yard of a reversed corner lot within five feet of the key lot and not abutting the front yard of the key lot. (Request to abut front yard of key lot). SMC 23.44.014D1

Variance to allow parking within the first ten feet of a required rear yard abutting a street. (Requests seven feet). SMC Chapter 23.44.016C.1(b)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

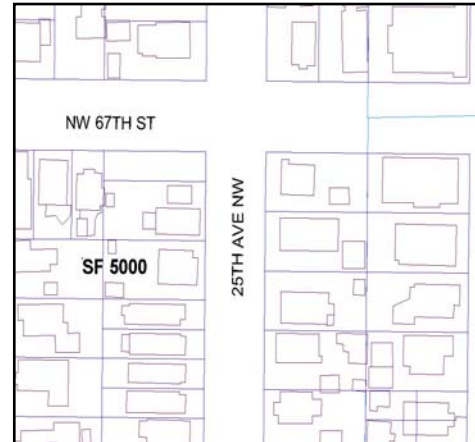
 ☐ DNS with conditions

 ☐ DNS involving non-exempt grading or demolition or
 involving another agency with jurisdiction.

BACKGROUND DATA

Site & Vicinity Description

The 2,550 square-foot rectangular site is located in a Single-Family Residential 5000 (SF 5000) zone at the southwest corner of NW 67th Street and 25th Avenue NW. Amidst a single family residential neighborhood of one and two-story houses, the subject property lies approximately six blocks to the east of the Nordic Heritage Museum and four blocks north of Adams Elementary School and the Ballard Community Center. The dimensions of the vacant property are roughly 25 feet by 102 feet.



Proposal Description

The applicant proposes to build a 2,026 square foot, two-story single family house with a detached accessory garage on a 2,550 square foot, reverse corner lot. The separate garage would be 187 square feet. The applicant requests three variances from the City's Land Use and Zoning Code. The first request is a variance to build within the ten foot side yard on a reverse corner lot. The extent of the added building width would comprise roughly 700 square feet on two floors. Without the variance, the buildable area on the narrow lot 25 foot lot would be limited to a width of ten feet. Approval of the second variance request would allow construction of an accessory structure (garage) in a rear yard abutting a front yard of the key lot. The third request is to allow parking within the first ten feet of a required rear yard abutting a street.

The proposal would produce lot coverage of 1,237 square feet, a figure below the 1,750 square feet maximum allowed by the Land Use Code. However, the same lot coverage represents 39 percent (due to an increase of 25 percent lot area provide corner lots) lot coverage in contrast to the legally established 35 percent for a single family house on a 5,000 square foot lot.

Public Comments

The comment period for this project ended on December 4, 2002 and was extended to December 18th. DCLU received approximately 32 comment letters from neighbors, nearly all of them opposed to the project. Most of the letters expressed disapproval of the project's scale, the loss of trees, the lack of privacy and the failure to stay within the architectural character of the neighborhood.

ANALYSIS - VARIANCES

As provided in SMC 23.40.020, variances from the provisions or requirements of this Land Use Code shall be authorized only when all of the following facts and conditions are found to exist:

Variance to allow construction of a structure in a required side yard on a reverse corner lot. (Requests a five foot setback). SMC Chapter 23.44.014C

1. *Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;*

Due to the lot's size, unusual narrowness and corner condition, a Land Use Code complying design would dictate a ten foot wide house. Given these site constraints, the request for a variance from the ten foot setback on a reverse corner lot rule is sensible. A grant of the variance would allow the applicant to build a 15-foot wide house, still a narrow but more commodious space to design and inhabit than a ten-foot wide house.

2. *The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;*

The proposed design moves the house five feet closer to the property line and creates a long, ungainly wall or façade along Northwest 67th Street. Varying the amount of the setback by a few feet would not necessarily change the wall condition that the architect proposes. The added five feet, however, would provide the resident with a reasonable amount of habitable space.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;*

The reduction of the ten foot setback may produce slight visual impacts to the neighborhood, however, any adverse impacts to public welfare and surrounding properties from the proposal would be negligible.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship; or practical difficulties;*

A code complying structure would be ten feet wide. Habitable space would be even less due to the thickness of walls. Simply, the Code requirements would, in fact, create undue hardship or practical difficulties for individuals hoping to live in the proposed house.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

It is not the intention of the Land Use Code to limit development on a legal building site by creating a matrix of onerous regulations. It is arguable that an unusable ten foot wide house may cause more problems for the neighborhood than a wider house which more closely resembles other structures in the single family zone.

Variance to allow an accessory structure in that portion of the rear yard of a reversed corner lot within five feet of the key lot and not abutting the front yard of the key lot. (Request to abut front yard of key lot). SMC 23.44.014D1

1. *Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;*

The site's unusual conditions elaborated upon in the analysis above warrant a close consideration of the proposal to place a garage abutting the front yard of the key lot when there is a reverse corner lot condition. The proposed accessory garage is an unusual phenomenon for a narrow or "skinny" house. On the same block face to the south are a cluster of four narrow houses on comparable sized lots all with attached garages. Due to the lack of an alley, there are not many detached garages with the exception of a neighbor's and a few other houses on substantially larger lots. The site's conditions do not prevent a redesign or reconfiguration to accommodate other parking solutions.

2. *The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;*

The City's Land Use Code does not require that a parcel have a garage only a legal parking space. Like the houses on the narrow lots to the south, a design could potentially incorporate the garage into the structure or alternatively delineate a parking pad in the rear yard. Access could occur in the same proposed location or, admittedly less desirable, from 25th Ave. NW. The proposed garage would impinge upon the open space and the quality of the streetscape established by the regulation. In this sense, the placement of the garage does exceed the minimum necessary to afford relief as the accessory structure could be incorporated into the primary residence.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;*

Granting the variance would not likely be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity although the proximity of the garage to the adjacent front yard may adversely affect the neighbor's sense of light and open space.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship; or practical difficulties;*

Alternatives exist that incorporate the garage into the primary structure. Denying the variance would not cause undue hardship or practical difficulties. Other properties on the same block with an equivalent lot size appear to function without a detached garage.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

Without compelling justification pursuant to compliance with applicable variance criteria, the variance should be denied. The applicant should be encouraged to comply with established City's regulations and not build within the rear yard abutting the neighbor's front yard.

Variance to allow parking within the first ten feet of a required rear yard abutting a street. (Requests seven feet). SMC Chapter 23.44.016C.1(b)

1. *Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;*

Given the narrowness of the lot (25 feet) and the need for an accessory garage at least 17 feet deep, the request has an internal logic; however, the property's constraints do not eliminate the possibility of constructing a garage within the principal structure. Viewed this way, the Code does not deprive the applicant of a garage, it only deprives him of an accessory garage perpendicular to NW 67th Street.

2. *The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;*

Although the requested variance appears minimally to exceed SMC development standards (by three feet), the proposed parking arrangement could be redesigned to conform to the development standard. Solutions include embedding the garage into the primary structure or decreasing the length of the residence and using the rear buildable portion of the lot for either a parking pad or an accessory structure. Approval of the variance would constitute a grant of special privilege inconsistent with the limitations upon other properties in the Single Family 5000 zone within the neighborhood because parking can be accommodated in other ways that conform to the City's Land Use Code.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;*

Granting the variance would not likely be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity. The aesthetic merits of placing an accessory garage in a setback adjacent to a street, however, are dubious. When the City does allow parking in a setback, the conditions reflect the steepness of the slope, and under these circumstances the garage is mostly buried within the earth.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship; or practical difficulties;*

There is no evidence of any hardship predicated upon the denial of the requested variance. Had the applicants followed a literal interpretation and strict application of the Code, the result would not be sufficiently different than its neighbors down the street. The functional objective can be suitably achieved without the variance.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

The regulations for single family zones implicitly acknowledge that undersized legal building sites warrant the same maximum lot coverage that a 5,000 square foot lot could have. This creates the potential for proportionately larger houses. Providing variances that allow a house to expand further upon that sense of proportionality between lot and house and between house and neighbors' houses would be inconsistent with the spirit and purpose of the Land Use Code regulations.

DECISION - VARIANCE

- a. The proposed variance to allow construction of a structure in a required side yard on a reverse corner lot is **APPROVED**.
- b. The proposed variance to allow an accessory structure in that portion of the rear yard of a reversed corner lot within five feet of the key lot and not abutting the front yard of the key lot is **DENIED**.
- c. The proposed variance to allow parking within the first ten feet of a required rear yard abutting a street is **DENIED**.

Signature: (signature on file) Date: May 22, 2003
Bruce P. Rips, AICP, Land Use Planner
Department of Design, Construction and Land Use
Land Use Division